

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

)	CIVIL CASE NO. 24 Civ. 6616
)	
TSURT, LLC and PEARL JAM, LLC,)	
)	
Plaintiffs,)	[PROPOSED] PRELIMINARY
)	INJUNCTION AND ORDER OF
v.)	<u>SEIZURE</u>
)	
VARIOUS JOHN DOES, JANE DOES and)	
ABC COMPANIES)	
)	
Defendants.)	
)	
)	

Plaintiffs having moved by Order to Show Cause, with Temporary Restraining Order and Order of Seizure, for a Preliminary Injunction enjoining and restraining Defendants from manufacturing, selling and distributing clothing (collectively the “Infringing Merchandise”) bearing the PEARL JAM name, logos, likenesses and trademarks (collectively the PEARL JAM Trademarks”) and ordering the seizure and impounding of such articles; and service of the Temporary Restraining Order and Complaint having been effected upon such persons and duly authorized persons having seized and impounded said merchandise; and a hearing having been held on the 16th day of September, 2024 and Kenneth A. Feinswog appearing on behalf of Plaintiffs, and there being no appearances in opposition; and there being additional Defendants who continue and are about to distribute or sell such merchandise who have not yet been served with process, who will unless restrained by this Court, irreparably harm Plaintiffs through illegal sales of said merchandise;

IT IS HEREBY ORDERED that Defendants, their agents, servants, employees, successors and assigns, and all persons, firms and corporations acting in concert with Defendants are preliminary enjoined and restrained from:

(a) using the PEARL JAM Trademarks or any colorable imitations thereof on or in connection with the sale, offering for sale, distribution or advertising of the Infringing Merchandise;

(b) manufacturing, distributing, selling or holding for sale any Infringing Merchandise bearing or otherwise using the PEARL JAM Trademarks; and

(c) aiding, abetting, encouraging or inducing others to do any of the acts herein enjoined.

AND IT IS FURTHER ORDERED that the U.S. Marshal(s) for this District, the U.S. Marshal(s) and/or state, county or local law enforcement authorities, including off duty officers of the same, for any such district in which Plaintiffs enforce this order and persons acting under their supervision are hereby authorized to seize, impound and deliver to Plaintiff's representative any and all Infringing Merchandise bearing the PEARL JAM Trademarks, including from cartons, containers or vehicles or other means of transport in which the infringing merchandise is found beginning four (4) hours before and continuing four (4) hours after concerts on the PEARL JAM concert tour within a four (4) mile radius of the PEARL JAM concerts performed on this concert tour;

AND IT IS FURTHER ORDERED that a copy of this Order and the Complaint in this action shall be served upon such person(s) at the time such seizure is effected;

AND IT IS FURTHER ORDERED that the \$5,000.00 bond that was posted by Plaintiffs with respect to the Temporary Restraining Order is hereby continued to secure payment of such costs and damages not to exceed such sum as may be suffered or sustained by any party who is found to be wrongfully restrained hereunder;

AND IT IS FURTHER ORDERED that the process server shall offer a receipt to each person from whom merchandise is seized and that Plaintiff TSURT, LLC and/or its representatives shall be deemed substitute custodians for all merchandise seized;

AND IT IS FURTHER ORDERED that each and every Defendant served with a copy of this Order shall promptly, courteously and peaceably identify himself or herself to the aforementioned process server by presenting written proof of identification to said process server and said process server or agents for Plaintiffs shall be allowed to photograph, video tape or otherwise identify the Defendant;

AND IT IS FURTHER ORDERED that any Defendant who is served with a copy of this Preliminary Injunction and who objects to the provisions hereof may submit his or her objection to this Court or otherwise move for relief from this Court, but no such objection should serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

Dated: September ____, 2024

The Honorable John P. Cronan
United States District Judge